HONOURABLE SRI JUSTICE D.S.R. VARMA

AND

HONOURABLE SRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION No.21923 OF 2006

DATE: 06-11-2006

Between:

Nalgonda Ramulamma
R/o. Sarada Colony, 18th Line,
Guntur, Guntur District.

.. Petitioner

AND

The Sub-Inspector of Police
Arundalpet Police Station,
Guntur, Guntur District
& 5 others

.. Respondents

ORDER: (Per Hon'ble Sri Justice G.V. Seethapathy)

The representation of the petitioner N. Ramulamma of Guntur was taken up as this writ petition. In the said representation, the petitioner complained that her daughter, Ms. Bala Tripura Sundari, who is a minor girl, was kidnapped by one Hussain Sen and her whereabouts are not known since 04-08-2006. In response to the notice issued by this Court, the Sub-Inspector of Police, Arundalpet Police Station, Guntur District filed an affidavit stating that the petitioner has given a complaint to the police also and they registered a case in Crime No.229/2006 for the offence punishable under Section 366-A IPC on 24-08-2006

and it was investigated into. It is further averred in the affidavit that during the course of investigation, the girl, Bala Tripura Sundari, approached the police and voluntarily gave a statement and produced her birth certificate and the police also got her statement recorded by the learned V Additional Munsif Magistrate, Guntur under Section 164 Cr.P.C. on
02-09-2006. A copy of the said statement is placed before this Court which discloses that the girl has stated before the Magistrate that she is a major and she has voluntarily left the house, and went away with Hussain Sen and married him voluntarily and with willingness and that he has not kidnapped her. The statement of the girl recorded by the learned Magistrate shows that the girl has left the house voluntarily and she went away with Hussain and married him and now she is living with him. In the counter affidavit filed by the Sub-Inspector of Police, it is further stated that the police have referred the case as mistake of fact on 20-10-2006 and final report will be filed shortly. The learned Government Pleader also submitted that the final report is yet to be filedbefore the Magistrate concerned.

It is further averred in the affidavit filed by the
Sub-Inspector of Police that on a previous occasion, when a similar complaint was made by the mother of the girl, petitioner herein, alleging that the girl was missing from the house, the police has registered a case in Crime No.189/2006 and during the course of investigation, the girl voluntarily appeared on 27-07-2006 and she was got medically examined and her age was ascertained as 18 years and the statement of the girl was recorded by the learned V Additional Munsif Magistrate, Guntur under Section 164

Cr.P.C.. A copy of the said statement dated 28-07-2006 is placed before this Court. A perusal of the said statement shows that on a previous occasion also, on a similar complaint lodged by the petitioner, the girl voluntarily appeared before the police and was got medically examined for determination of her age and she was found to be major, aged 18 years, and based on that and her statement before the Magistrate, she was released by obtaining bonds and further action in Crime No.189/2006 was dropped.

In these circumstances, since the girl is *prima facie* found to be major, aged 18 years, and her whereabouts are known and she is now living with one Hussain Sen whom she is said to have voluntarily married, no further orders are required to be passed in this writ petition.

However, the petitioner, mother of the girl, according to whom the girl is a minor, is at liberty to avail such legal remedies as may be available to her under law after the final report is filed by the police before the learned
V Additional Munsif Magistrate, Guntur, in case, she intends to raise any objections thereto.

With the above observations, the Writ Petition is closed. No costs.

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D.S.R. VARMA, J

Date:06-11-2006.

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G.V. SEETHAPATHY, J

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